

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

PROFIT SHIPPING LTD. AND  
GENEL DENIZCILIK  
NAKLIYATI A.S.

Plaintiffs

VS.

M/V IMPERIAL SPIRIT, Her Engines,  
Tackle, Appurtenances, Etc., *In Rem*;  
LADARIEN NAVEGACION, S.A.;  
and NORTHSTAR SHIP  
MANAGEMENT LTD, *In Personam*

## Defendants

[illegible]

C. A. NO. 3:13-CV-00202

## Rule 9(h) - ADMIRALTY

**PROFIT SHIPPING LTD. AND GENEL DENIZCILIK NAKLIYATI A.S.**  
**ANSWER TO COUNTER-CLAIM**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Profit Shipping, Ltd. and Genel Denizcilik Nakliyatı A.S. and file this Answer in response to the Counter-Claim of LaDarien Navegacion, S.A. and Northstar Ship Management, Ltd. and, in support hereof, would show as follows:

I.

Counter-Defendants would show that Counter-Plaintiff's Counter-Claim fails to state a cause of action under Rule 12(b)(6) of the Federal Rules of Civil Procedure upon which relief may be granted.

II.

Counter-Defendants admit on information and belief only the allegations contained in Paragraph 1 of the Counter-Claim.

III.

Counter-Defendants admit on information and belief only the allegations contained in Paragraph 2 of the Counter-Claim.

IV.

Counter-Defendants admit the allegations contained in Paragraph 3 of the Counter-Claim.

V.

Counter-Defendants admit the allegations contained in Paragraph 4 of the Counter-Claim.

VI.

Counter-Defendants admit the allegations contained in Paragraph 5 of the Counter-Claim.

VII.

Counter-Defendants deny the allegations contained in Paragraphs 6 and 7 of the Counter-Claim.

VIII.

Counter-Defendants can neither admit nor deny due to a lack of sufficient information upon which to form a belief as to their truth the allegations contained in Paragraph 8 of the Counter-Claim.

IX.

Counter-Defendants specifically deny that they failed to adhere to statutory regulations, standards, and laws designed to prevent collisions at sea.

X.

Counter-Defendants would further show that the incident made the basis of this lawsuit and any damages arising there from were not caused or contributed to by the fault or neglect of Counter-Defendants or the crew of the M/T PROFIT or on the part of anyone for whom these Counter-Defendants are legally responsible.

XI.

Counter-Defendants would further show that they are not liable to Counter Plaintiffs because Counter Plaintiff's own acts or omission proximately caused or contributed to any damages allegedly sustained by Counter Plaintiffs.

XII.

Counter-Defendants would further show that Counter Plaintiffs have failed to mitigate their alleged damages, if any, as required by law.

WHEREFORE, PREMISES CONSIDERED, Counter Defendants, Profit Shipping, Ltd. and Genel Denizcilik Nakliyatı A.S. pray that upon a final trial and hearing hereof, the Court enter its Judgment that Counter Plaintiffs take nothing, that Counter-Defendants recover their damages, expenses, and costs from Counter Plaintiffs, and that Counter-Defendants have such other and further relief, general and special, legal and equitable, to which they may show themselves to be justly entitled.

Respectfully submitted,

ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.

By: /s/ James R. Watkins  
James R. Watkins  
Attorney in Charge  
State Bar No. 20926500  
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**ATTORNEY FOR PLAINTIFFS AND  
COUNTER-DEFENDANTS PROFIT  
SHIPPING LTD. AND GENEL  
DENIZCILIK NAKLIYATI A.S.**

**OF COUNSEL:  
ROYSTON, RAYZOR, VICKERY & WILLIAMS, L.L.P.**

## VERIFICATION

Before me, the undersigned Notary Public, personally came and appeared James R. Watkins, who, after being duly sworn, did depose and say that:

1. “He is a partner in the firm of Royston, Rayzor, Vickery & Williams, LLP, and is one of the attorneys representing Profit Shipping Ltd. And Genel Denizcilik Nakliyatı A.Ş. in this matter;
  2. He has prepared and read the foregoing Verified Answer, and it is true and correct to the best of his knowledge, information and belief;
  3. The sources of said knowledge, information and belief are his personal investigation and information supplied by Plaintiffs, Profit Shipping Ltd. And Genel Denizcilik Nakliyatı A.Ş.
  4. He is authorized to make this Verification as Profit Shipping Ltd. And Genel Denizcilik Nakliyatı A.Ş. do not have an officer within this district at this time.
- FURTHER AFFIANT SAYETH NOT.”

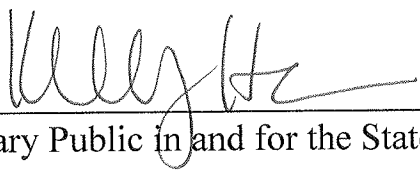
  
James R. Watkins

SWORN TO AND SUBSCRIBED BEFORE ME on this the 28th day of August, 2013.



My Commission Expires:

April 9, 2015

  
Notary Public in and for the State of Texas

#### CERTIFICATE OF SERVICE

I hereby certify that I have, on this the 28th day of August, 2013, delivered a true and correct copy of the foregoing via ecf filing system.

William A. Durham  
Eastham, Watson, Dale & Forney, LLP  
The Niels Esperson Building  
808 Travis, Suite 1300  
Houston, Texas 77002